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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/929,736

08/14/2001

Olivier Schueller

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24280 7590 07/05/2007
CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

EXAMINER

NAFF, DAVID M

ART UNIT

PAPER NUMBER

1657

MAIL DATE

DELIVERY MODE

07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/929,736	Applicant(s) SCHUELLER ET AL	
	Examiner David M. Naff	Art Unit 1657	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

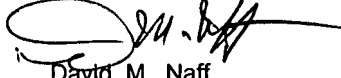
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: _____.
Claim(s) rejected: 2-32,36,37,116-119,122,125-130,132 and 134.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


David M. Naff
Primary Examiner
Art Unit: 1657

Continuation of 3. NOTE: Amendments to the claims raise new issues of indefiniteness.

In line 3 of claim 116, reciting "having at least a portion of a substrate passed into the lumen" is confusing as to whether this is a step of the method, or the result of another step of the method. No method step has been recited that would require the substrate to be passed into the lumen. Since a method is being claimed, all steps should be recited as positive method steps. The claim should recite "passing at least a portion of a substrate into the lumen" by changing "having" to --- passing ---, and canceling "passed".

In the penultimate line of claim 116, requiring a "pattern on a surface of the substrate" without previously requiring the substrate to have a surface is confusing. In the penultimate line, --- an exterior surface of --- should be inserted after "with", and "a", second occurrence, replaced with --- the exterior ---.

Claim 122 should be amended the same way as claim 116 by deleting "having the" in line 2 and inserting --- passing ---, and canceling "passed" in line 3.

Claim 2 is confusing by not having clear antecedent basis for "the step of disposing" since the amendment to claim 116 deletes a step of "disposing". In line 2 of the claim "disposing the substrate" should be replaced with --- passing at least a portion of a substrate into the lumen ---.

Claim 24 is confusing by not having clear antecedent basis for "the area to be patterned" (bridging lines 2 and 3). In the claim, "area to be patterned" should be replaced with "surface of the substrate", and in line 3, before "substrate", both occurrences, insert --- surface of the ---.

Claim 134 is confusing for the same type of reason as claim 116 by reciting "having at least a portion of the stamp passed into the lumen" (line 4). In line 4, "having" should be replaced with --- passing --- and "passed" deleted.

Claim 125 in line 2 is confusing as to which lumen in claim 134 is "the lumen" since claim 134 requires two lumens, i.e. the stamp has a lumen and the substrate has a lumen. Additionally, claim 125 is confusing for the same type of reason as claim 134 by reciting "having the at least a portion of the substrate passed into the lumen" (bridging lines 2 and 3). Furthermore, having the substrate passed into the lumen in claim 125 is inconsistent with claim 134 that requires a portion of the stamp to be passed into the lumen of the substrate. In claim 125, --- of the stamp --- should be inserted after "lumen" in line 2, and the above recitation bridging lines 2 and 3 should read "passing at least a portion of the stamp into the lumen of the substrate".

Continuation of 11. does NOT place the application in condition for allowance because: the amendment raises new issues for consideration and has not been entered. Since the 6 month period for response has expired, this case is abandoned unless a notice or appeal or RCE was filed prior to the end of the 6 month period.